

REMARKS

The present amendment is responsive to the Office of August 23, 2004.

At the outset, Applicants' representative wishes to thank Examiner Jones for his time and courtesy during the telephone interview of November 8, 2004. As the Examiner will recall, it was agreed (pending receipt of this written response) that each of the independent claims includes recitations that distinguish the claimed inventions from the Wright/Labis combination. Specifically, the Examiner agreed with the undersigned that Labis does not teach or suggest what is acknowledged to be missing from the Wright primary reference; namely, that the video sequence of the winning race entrant shown on the display is selected from among a plurality of video sequences, in which the number of such plurality of video sequences is dependant upon the odds for the race.

Claims 1-5, 7-8 and 11-58 were rejected as being unpatentable over a combination of Wright and Labis. Reconsideration and withdrawal of these rejections are respectfully requested.

In the outstanding Official Action, the Office acknowledged that the primary reference to Wright does not teach, among other recitations:

- the predetermined number of video sequences for each race entrant being dependant on predetermined odds assigned to each race entrant; and
- to select one of the predetermined number of numbered video sequences of the race entrant selected as the winning entrant according to a number generated by the random number generator and to cause the selected numbered video sequence to be shown on the display.

The outstanding Office Action, however, advances that this claimed subject matter is taught in Labis. As agreed to by the Examiner in the recent telephone interview, Labis does not teach or suggest that which is acknowledged to be missing from the primary reference to Wright. Indeed, Labis does not teach or suggest a predetermined number of video sequences, and does not teach or suggest that the number of such video sequences is dependant upon predetermined odds

assigned to each race entrant. Labis also does not teach or suggest, as also agreed during the telephone interview, to select one of the predetermined number of video sequences as the winning entrant according to a number generated by a random number generator, as claimed herein.

Instead, Labis teaches six motor-driven plastic horses and a selector switch associated with each plastic horse to vary the odds associated with the plastic horse. See, for example, Col. 3, lines 5-15. In Labis, the randomness comes from pulse sources that operate at different frequencies that are not harmonically related. In any event, Labis teaches moving plastic horses and does not teach or suggest any manner of video sequences – and does not teach or suggest that the number of video sequences for each entrant is dependant upon the odds assigned to that entrant. This was agreed to during the recent telephone interview.

It is respectfully submitted to Examiner Jones that each of the pending independent claims contains recitations drawn to the above-described feature. Taking each independent claim in turn, claim 1 recites:

...a predetermined number of numbered video sequences for each race entrant, the predetermined number of video sequences for each race entrant being dependant on predetermined odds assigned to each race entrant

Similarly, claim 15 recites:

...a second showing step to show the player a selected video sequence of a plurality of video sequences of the randomly selected actual outcome of the selected activity immediately after the introductory video sequence, a number of the plurality of video sequences from which the video sequence of the randomly selected actual outcome is selected being dependant upon the predetermined odds.

Likewise, claim 23 recites:

...a second showing step to show the player a selected video sequence of a plurality of video sequences of the selected actual outcome of the selected activity immediately after the introductory video sequence, a number of the plurality of video sequences from which the video sequence of the randomly selected actual outcome is selected being dependant upon the predetermined odds.

Independent claim 31 recites:

...each of the at least one numbered entrant being shown on a number of video sequences that is dependant on predetermined odds of the at least one entrant placing in and winning the competitive activity such that numbered entrants being assigned longer odds are shown on comparatively fewer video sequences than numbered entrants being assigned shorter odds

Lastly, claim 45 recites:

a number of the plurality of video sequences from which the video sequence of the randomly selected actual outcome is selected being dependant upon the predetermined odds, and

It is, therefore, respectfully submitted that each pending independent claim defines an invention that is not taught or suggested in the applied combination of references. This was also pointed out during the recent telephone interview, and agreed to by the Examiner. As the Examiner will recall, the Examiner agreed that such recitations distinguished the claimed inventions from the applied combination. The Examiner also stated that he will reserve final determination pending receipt of the present written response and pending a possible updated search.

In view of the foregoing, reconsideration and withdrawal of the 35 USC §103(a) rejections are, therefore, respectfully requested.

Applicants, therefore, submit that the present application is now in condition for a speedy passage to issue. Should Examiner Jones have any remaining questions, he has but to call the undersigned, and whatever is needed will be done at once.

Respectfully submitted,

Date: Nov. 9, 2004

By: 

Alan W. Young
Attorney for Applicants
Registration No. 37,970

YOUNG LAW FIRM, P.C.
4370 Alpine Rd., Ste. 106
Portola Valley, CA 94028
Tel.: (650) 851-7210
Fax: (650) 851-7232

\\YI\Server\YLF\CLIENTS\JM\G\CYBS\5748\5748 AMEND.4.doc